



U.S. Department of Justice

United States Attorney
Southern District of New York

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New York, New York 10007

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August 29, 2021

BY CM/ECF

The Honorable Kimba M. Wood
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Abreu Gil et al.*, S1 20 Cr. 199 (KMW)

Dear Judge Wood:

The Government writes, with the consent of defense counsel, to respectfully request that the Court set the below schedule for pretrial motions, and that the Court adjourn the pretrial conference currently scheduled for September 1, 2021, until after briefing has been submitted on pretrial motions. The Government further requests, also with the consent of defense counsel, an order excluding time under the Speedy Trial Act until the date of the next pretrial conference.

On January 28, 2021, the grand jury returned Superseding Indictment S1 20 Cr. 199 charging defendants Jorgelina Abreu Gil, Julio Alvarado, Hector Salazar Herrera, Zoraida Gonzalez, Yesenia Rodriguez, Jose Rivera, Fabian Morgan, Victoria Palma Brea, Cristopher Santos Felix, John Manuel Mejia, Jose Jimenez Hidalgo, Francisco Salazar, Nelson Diaz, and Elizabeth Araujo each with several counts related to a scheme to submit millions of dollars in fraudulent transportation claims to New York's Medicaid program. In addition, Palma Brea was charged with one count of obstruction of an official proceeding. A conference is currently scheduled for this matter on September 1, 2021, at 12:00 p.m.

The Government and defense have conferred regarding a briefing schedule for pretrial motions in this matter and respectfully propose the following schedule: Pretrial motions due December 1, 2021; responses due January 5, 2022; and replies, if any, due January 19, 2022.¹ Making pretrial motions due in approximately 90 days will permit defense counsel additional time to review voluminous discovery with their clients, and permit the parties additional time to discuss pretrial resolutions. Discussions regarding pretrial resolutions are ongoing with several defendants

Granted

¹ The Government has had email communications with all defense counsel regarding the above-referenced requests. The Government received consent or an indication of no objection from counsel for each defendant except Julio Alvarado, from whom the Government has not received any indication.

and the Government expects that those discussions may conclude prior to the proposed deadline for pretrial motions.

Consistent with this schedule, the Government and defense respectfully request that the Court adjourn the September 1, 2021, pretrial conference until the last week of January 2022 or first week of February 2022, once briefing on pretrial motions is complete.

The Government further requests, with the consent of the defense, an order excluding time under the Speedy Trial Act from September 1, 2021, until the date of the next pretrial conference. The ends of justice served by excluding time because it will permit the defendants and their counsel time to review voluminous discovery under challenging circumstances brought on by the COVID-19 pandemic and permit the parties additional time to discuss pretrial resolutions. *See* 18 U.S.C. § 3161(h)(7)(A).

Thank you for your consideration of this matter.

The conference is adjourned
to February 3, 2022, at
11:00 a.m. Time is excluded,
pursuant to 18 USC 3161(h)(7)(A),
through February 3, 2022.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney for the
Southern District of New York

by: /s/ Kedar S. Bhatia

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Cc: All counsel (via CM/ECF)

SO ORDERED: N.Y., N.Y. 8/30/21

Kimba M. Wood

KIMBA M. WOOD
U.S.D.J.